

**ENTERED**

July 10, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Sheryl Mikush,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 4:24-cv-00261
	§	
Martin O'Malley,	§	
Commissioner of the	§	
Social Security Administration,	§	
	§	
<i>Defendant.</i>	§	

**MEMORANDUM AND ORDER**

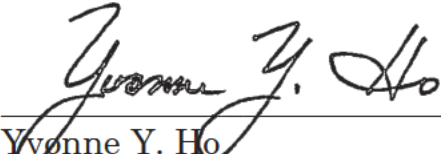
This is an appeal from the denial of social security disability benefits. The parties consented to the undersigned's resolution of this case. Dkt. 4, 9.

Defendant Martin O'Malley filed an unopposed motion for reversal and remand to further consider whether Plaintiff Sheryl Mikush was unable to engage in substantial gainful activity for a 12-month period. Dkt. 12 at 1. Defendant also confirms that, upon remand, Plaintiff will have an opportunity for a new hearing before an ALJ who will then issue a new decision. *See id.*

Defendant further agrees that its request is governed by the fourth sentence of 42 U.S.C. § 405(g), which requires entry of a judgment ending this action in Plaintiff's favor. Dkt. 12 at 2. It is therefore **ORDERED** that

Defendant's motion for reversal and remand under the fourth sentence of 42 U.S.C. § 405(g) (Dkt. 12) is **GRANTED**.

Signed on July 10, 2024, at Houston, Texas.



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Yvonne Y. Ho  
United States Magistrate Judge